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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 PURELY DRIVEN PRODUCTS, LLC,
and JOHN ALPHONSE IAVARONE

12 Plaintiffs,

13 v.

14 CHILLOVINO, LLC, CIGDEM
15 HARMS, and MICROTEx GLOBAL
MANUFACTURING

16 Defendants.
17

CASE NO. 15-cv-00982 CBM (ASx)

**STIPULATION REGARDING
MOTION TO DISMISS UNDER
RULES 12(b)(1), 12(b)(2) and
12(b)(7)**

Judge Consuelo B. Marshall

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20 Plaintiffs PURELY DRIVEN PRODUCTS, LLC, and JOHN ALPHONSE
IAVARONE (collectively, "*Plaintiffs*"), and Defendants, CHILLOVINO, LLC,
21 CIGDEM HARMS, and MICROTEx GLOBAL MANUFACTURING
22 (collectively, "*Defendants*"), hereby agree and stipulate that the Court decide
23 Defendants' Motion to Dismiss Plaintiffs' Amended Complaint on the basis of
24 whether there is subject matter jurisdiction under Rule 12(b)(1).
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26 On October 27, 2015, Defendants had filed a Motion to Dismiss under Rules
27 12(b)(1), 12(b)(2), and 12(b)(7) for lack of subject matter jurisdiction, lack of
28 personal jurisdiction, and infeasible joinder of a necessary party.

On December 1, 2015, the Court issued an Order [D.E. 30] setting forth a schedule for discovery regarding personal jurisdiction, and for further briefing regarding Defendants' Motion to Dismiss.

4 Defendants hereby withdraw Rules 12(b)(2) and 12(b)(7) as a basis for
5 Defendants' Motion to Dismiss, which obviates the need for discovery and further
6 briefing.

7 Plaintiffs hereby withdraw Plaintiffs' First Set of Special Jurisdictional
8 Interrogatories to Defendants Chillovino LLC, Cigdem Harms, and Microtex
9 Global Manufacturing (Nos. 1-10), and Defendants hereby withdraw its responses
10 thereto. Parties agree that the withdrawn interrogatories shall not count against the
11 limit set forth under Rule 33 of the Federal Rules of Civil Procedure, the Local
12 Rules of this District or any other applicable Order of this Court.

13 The Parties further request that the Court vacate the discovery and briefing
14 schedule set forth in its December 1, 2015 Order [D.E. 30].

16 | DATED: January 21, 2016

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Glen Liu

Glen Liu

Attorneys for Plaintiffs

21 | DATED: January 21, 2016

Respectfully submitted,

FULWIDER PATTON LLP

By: /s/ James Juo

James Juo

Attorneys for Defendants

25 | *All other signatories listed, and on whose
26 behalf the filing is submitted, concur in the
filing's content and have authorized the filing.*

/s/ James Juo